

REMARKS

Status of the Claims

Claims 3–17 are canceled without prejudice.

Claims 1 and 18–20 are currently amended

Claims 1, 2 and 18–21 are pending.

Objections to the Specification and Abstract

The abstract of the disclosure is objected to in the Office Action as containing legal terminology, and correction is required. In response, a substitute page containing the amended Abstract of the Disclosure is appended hereto, and the amendments to the same are indicated above in the Amendments to the Specification. Support for the amended Abstract is in claim 1 and elsewhere in the specification.

The title of the invention is also objected to as not being descriptive. In response, the title is currently amended hereinabove to better describe the claimed invention.

Rejections Under 35 U.S.C. § 112, Second Paragraph

In the Office Action claims 1, 2 and 18–21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

With respect to claim 1, it is said that step (b) is incomplete as to how cGMP would be formed because there is no reacting step. In response, steps (b) and (c) of claim 1 are currently amended to recite "determining activity of said purified enzyme or cell lysate for forming cGMP from GTP in a reaction medium..." in the presence [step (b)] or in the absence [step (c)] of said substance.

With regard to claim 2, it is said that there is no outcome from claim 1 and what the comparison result would be to indicate the substance enhances cGMP production is not recited. In reply, claim 1 is amended to recite "...wherein increased or decreased formation of cGMP in the presence of said substance indicates that said substance is active for modulating heme independent cGMP production." Claim 2 is currently amended to recite "...wherein increased formation of cGMP in the presence of said substance indicates that said substance enhances cGMP production by said purified enzyme or cell lysate."

Claim 18 is said to lack antecedent basis for "the outcome." In reply, claim 18 is currently amended to delete "the outcome of step f)" and to instead recite what the value would need to be, *i.e.*, "...decreased formation of cGMP in the presence of said substance indicates that said substance inhibits cGMP production by said purified enzyme or cell lysate." Claim 19 is amended similarly. Support for

the amended claims is inherent in the original claims, in paragraphs [0064] and [0065], and elsewhere, in the specification.

Claim 20 is also amended to delete "the outcome of step f)" and to instead recite "...increased formation of cGMP in the presence of said substance indicates that said substance affects a structural element of the sGC enzyme other than a heme moiety to cause enhancement of sGC activity. Claims 1, 2 and 18–21, as currently amended, are believed to fully comply with the requirements of 35 U.S.C. §112, second paragraph.

Conclusion

Reconsideration of the application and withdrawal of the rejections in light of the foregoing amendments and remarks is respectfully requested. No new matter is introduced by way of the amendments. Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art, which have yet to be raised, but which may be raised in the future. If any item in the Office Action has been overlooked or is deemed to be incompletely addressed, Applicants respectfully request the opportunity to respond. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore. If any fee is due, please appropriately charge such fee to Deposit Account Number 03-2769 (ref. 2105-01001) of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,



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